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ATTORNEYS FOR DEFENDANT BMW OF NORTH AMERICA, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOSHUA HU, et al., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

BMW OF NORTH AMERICA LLC, a
Delaware corporation; and BAYERISCHE
MOTOREN WERKE
AKTIENGESELLSCHAFT (BMW AG), a
corporation organized under the laws of
Germany, ROBERT BOSCH GMBH, a
corporation organized under the laws of
Germany; and ROBERT BOSCH LLC, a
Delaware Limited Liability Company,

Defendants.

Civ. Action No. 2:18-cv-04363
(JMV) (MF)

Oral Argument Requested

MOTION DAY: October 15, 2018

Filed Electronically

NOTICE OF DEFENDANT BMW OF NORTH AMERICA, LLC's MOTION TO DISMISS
(Oral Argument Requested)

PLEASE TAKE NOTICE that on October 15, 2018, at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendant BMW of North America, LLC (“BMW NA”) shall move before the Honorable John J. Vazquez, U.S.D.J., at the United States District Court for the District of New Jersey, Martin Luther King, Jr. Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for the entry of an order pursuant to Federal Rules of Civil Procedure 9(b), 12(b)(1) and 12(b)(6) dismissing with prejudice the Consolidated Class Action Complaint in the above-captioned action and taking judicial notice of certain relevant matters and for such other relief as the court deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Scheduling Order entered by this Court on August 9, 2018, Plaintiffs’ opposition to BMW NA’s Motion to Dismiss is due on or before September 17, 2018, and BMW NA’s reply in further support of its Motion to Dismiss is due on or before October 9, 2018.

PLEASE TAKE FURTHER NOTICE, that, in support of this motion, BMW NA will rely upon the Memorandum of Law, the Declaration of Michael Lacovara, and the Request for Judicial Notice with exhibits attached thereto, as well as any submissions offered on reply.

PLEASE TAKE FURTHER NOTICE, that a proposed form of Order is also submitted herewith.

Dated: August 17, 2018
New York, New York

Respectfully submitted,

LATHAM & WATKINS, LLP

/s/ Kevin M. McDonough
Kevin M. McDonough